

FILED

IN THE UNITED STATES DISTRICT COURT FOR

THE EASTERN DISTRICT OF VIRGINIA

JUN 22 A 9:42

Alexandria Division

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

UNITED STATES OF AMERICA

)

v.

)

CRIMINAL NO. 1:10-MJ-321

JOSHUA BEHROUZ NABATKHORIAN

)

Defendant.

)

CONSENT MOTION TO EXTEND TIME FOR INDICTMENT

The United States of America, by and through its attorneys, Neil H. MacBride, United States Attorney for the Eastern District of Virginia, John Eisinger, Assistant United States Attorney, with the express consent of the defendant, and the defendant's counsel, respectfully move the Court to extend the time to indict this case through and including September 9, 2010.

In support thereof, the parties state as follows:

1. The defendant was arrested on federal charges on June 3, 2010 in Fairfax, Virginia. The defendant first appeared on June 3, 2010 before the Honorable Theresa C. Buchanan, at which time he had a preliminary hearing and detention hearing. The Court found probable cause and the defendant was ordered released on bond.
2. The Speedy Trial Act requires that the defendant be indicted within thirty days of the defendant's arrest after subtracting all excludable time. A conservative estimate of the indictment deadline is Saturday, July 3, 2010. There is no Grand Jury scheduled in Alexandria for the week of June 27, 2010 to July 3, 2010. The parties jointly request an extension of the time to indict to September 9, 2010. Extending this time period to September 9, 2010 would be in the best interests of justice in that it would give the defense counsel an opportunity to meet

with the defendant, to review discovery, and to discuss a possible pre-indictment plea resolution of the case. Defense counsel is involved in a couple of trials this summer, which will make it difficult to adequately review discovery and advise his client before the time to indict. The trials include one in this Court that is expected to go the entire week of June 21-25, and sentencing in a State murder trial which is expected to take 3-10 weeks.

3. The defendant hereby agrees to waive any objections under the Speedy Trial Act and to extend the government's time to file an indictment in this case through and including September 9, 2010. The waiver is made knowingly, intentionally, and voluntarily by the defendant, and with full knowledge of the provisions of the Speedy Trial Act, Title 18, United States Code, Sections 3161, *et seq.*, and with the advice and consent of counsel.

4. The defendant expressly understands that his waiver is not predicated upon any promises, agreements, or understandings of any kind between the government and the defense in this case, and that nothing contained herein shall be construed to preclude the government from proceeding against the defendant during or after the time period covered by this waiver.

WHEREFORE, the parties request that the time to indict this case be extended to and including September 9, 2010, and that the delay resulting from this extension be excluded in

computing the time within which an indictment must be filed pursuant to Title 18, United States Code, Section 3161(h).

Respectfully submitted,

Neil H. MacBride
United States Attorney

By:


John Eisinger
Virginia Bar No. 65428
Attorney for the United States
U.S. Attorney's Office
Justin W. Williams U.S. Attorney's Building
2100 Jamieson Avenue
Alexandria, Virginia 22314
703-299-3700 [Phone]
703-299-3981 [Fax]
ausa@eisinger.net

JUN-21-2010 15:35 From:

06/21/2010 01:19 7035917268

To: 7035917268

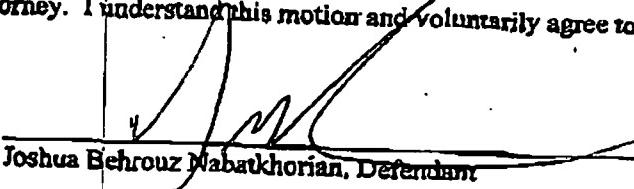
Page: 2/3

GSD&L LAW

PAGE 02

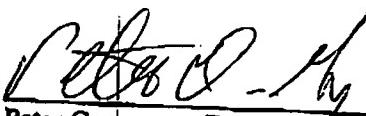
Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all my rights with respect to a speedy trial, including my right to be charged by indictment within 30 days of arrest, as required by Title 18, United States Code, Section 3161(b). I have read this motion for an extension of time to be charged by indictment, and carefully reviewed every part of it with my attorney. I understand this motion and voluntarily agree to it.

Date: 6-21-10


Joshua Behrouz Nabatkhorian, Defendant

Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's right to be charged by indictment within 30 days of arrest. Specifically, I have reviewed the terms and conditions of Title 18, United States Code, Section 3161(b), and I have fully explained to the defendant the provisions that may apply in this case. To my knowledge, the defendant's decision to agree to an extension of time to be charged by indictment is an informed and voluntary one.

Date: 6/22/10


Peter Greenspun, Esquire
Counsel for the Defendant